S.B.CRIMINAL MISC. BAIL APPLICATION NO.4368/2007

(Gangaram & Ors. vs. State of Rajasthan)

DATE OF ORDER : September 11, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mahesh Bora, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.J.S.Choudhary, for the complainant.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the police investigation diary. I have carefully gone through the injury report of injured Beeram Ram and his operation note.

It is contended by the learned counsel for the petitioners that the injury, which has been found to be grievous in nature on the skull of the injured has been assigned to co-accused Shetha Ram.

Learned Public Prosecutor and the counsel appearing for the complainant submit that the dispute arose with regard to travelling in a bus, of which the injured was the conductor, without paying fare; in day hours, the injured was threatened and when the injured completed his duty and while he was going

to his house at 7.00 P.M., he was surrounded by the petitioners and the petitioners inflicted injuries to injured Beeram Ram.

On careful perusal of the statement of the injured, it appears that there is specific allegation against petitioner No.1 causing injury apart from the injury inflicted by co-accused Shetha Ram. In my view, there is specific allegation against petitioner No.1 Ganga Ram, who inflicted injury to injured by Lathi. However, the alleged injuries inflicted by petitioners No.2 and 3 to injured Beeram Ram by stones, do not corroborate from the injury report. In the circumstances, therefore, I do not find it a fit case to grant anticipatory bail to petitioner No.1 Gangaram.

The bail application filed by petitioner No.1 Gangaram under section 438 Cr.P.C. is, therefore, dismissed.

However, having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to petitioners No.2 and 3.

Accordingly, the bail application filed by petitioners No.2 and 3 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners No.2 Durgaram s/o

Gangaram and No.3. Smt.Radha w/o Gangaram in FIR No.99/2007, P.S. Bhopalgarh, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

Petitioners No.2 and 3 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-